particularly at page 3 of the specification. Claims 1-6 are cancelled without prejudice. New claim 21 is submitted to further clarify the invention. Support for new claim 21 is found in the specification where studies on mice with peripheral nerve damage are described (e.g., example 5 on pages 10-11). New claims 22-24 depend from claims 18-20, respectively, but affirmatively exclude galanin as the galanin agonist. No new matter is believed added. Entry of these claims is respectfully requested. Reconsideration and further examination are respectfully requested.

Rejections Under 35 U.S.C. § 112, first paragraph and § 101

Claims 1, 4 and 6 are stated to be indefinite due to the failure to include active steps for carrying out the methods.

New claims 18, 19 and 20, corresponding to claims 1, 4 and 6, respectively, are believed to address these issues by affirmatively reciting a method step. Thus, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 102(b)

A. Claims 1, 4 and 6 are allegedly anticipated by Ukai et al. The Office Action states that Ukai et al. describes the preparation of a galanin composition that meets the limitations of the claims because galanin acts as an agonist on galanin receptors.

Claims 18, 19 and 20 recite steps that clearly distinguish them over Ukai et al. Furthermore, claims 22, 23 and 24, affirmatively exclude galanin. This exclusion is

supported throughout the specification where galanin is described. In re Johnson, 558 F.2d 1008 (CCPA, 1977). Thus, the claims are not anticipated by Ukai et al.

It is noted that, in contrast to Ukai et al., which suggests that galanin actually impairs memory and other cognitive functions, the present methods are directed to the improvement of memory and other cognitive functions, the treatment of Alzheimer's disease, and nerve regeneration. None of the present methods are in any way suggested by Ukai et al., due to its results being either contrary to, or unrelated to, the results shown and claimed in the present application.

B. Claims 1, 4 and 6 are allegedly anticipated by Kaplan et al. The Office Action states that Kaplan et al. describes the preparation of a galanin composition that meets the limitations of the claims because galanin acts as an agonist on galanin receptors.

Claims 18, 19 and 20 recite steps that clearly distinguish them over Kaplan et al. Furthermore, claims 22, 23 and 24, affirmatively exclude galanin. This exclusion is supported throughout the specification where galanin is described. In re Johnson, 558 F.2d 1008 (CCPA, 1977). Thus, the claims are not anticipated by Kaplan et al.

It is noted that, in contrast to Kaplan et al., which suggests that galanin may play a role in pain management, the present methods are directed to the improved treatment of nerve damage, the treatment of Alzheimer's disease, and improvement of memory and other cognitive functions. One skilled in the art would recognize that pain management and nerve regeneration, improved cognition, etc. are distinct outcomes, and that one does

not suggest any of the others. Thus, none of the present methods are in any way suggested by Kaplan et al.

C. Claims 1, 4 and 6 are allegedly anticipated by Evans et al. The Office Action states that Evans et al. describes the preparation of a galanin composition that meets the limitations of the claims because galanin acts as an agonist on galanin receptors.

Claims 18, 19 and 20 recite steps that clearly distinguish them over Evans et al. Furthermore, claims 22, 23 and 24, affirmatively exclude galanin. This exclusion is supported throughout the specification where galanin is described. In re Johnson, 558 F.2d 1008 (CCPA, 1977). Thus, the claims are not anticipated by Evans et al.

It is noted that, in contrast to Evans et al., which suggests that galanin may play a role in pancreatic activity, the present methods are directed to the treatment of nerve damage, the treatment of Alzheimer's disease, and improved memory and other cognitive functions. One skilled in the art would recognize that pancreatic function and nerve regeneration, improved cognition, etc. are distinct outcomes, and that one does not suggest any of the others. Thus, none of the present methods are in any way suggested by Evans et al.

In view of the above amendments and remarks, reconsideration and allowance of the present claims is believed merited.

Pursuant to the above amendments and remarks, reconsideration and allowance of the pending application are believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

A payment in the amount of $400.00 (2 month extension of time fee) is to be charged to a credit card and such payment is authorized by the signed, enclosed document entitled Credit Card Payment Form PTO-2038. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date shown below.

Gwendolyn D. Spratt — 1-29-02
Gwendolyn D. Spratt — Date